

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/451,080	OHMORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David N. Spector	2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/12/2006.
2. ☒ The allowed claim(s) is/are 1-3, 5-10, 12-14 and 16-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>1206/20061212</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|---|--|

Claims 1-3, 5-10, 12-14 and 16-23 are allowed in light of amendments/arguments filed by applicant on 12/12/2006. Claims 4, 11 and 15 were canceled by applicant under the aforesaid amendment. All pending claims thus being allowable, prosecution on the merits is closed in this application.

### ***Reasons for Allowance***

The following is a statement of reasons for the indication of allowable subject matter: the prior art taken either singly or in combination fails to anticipate or fairly suggest the features/limitations of applicant's independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. More specifically, in regard to these independent claims:

Independent Claim 1 the prior art taken either singly or in combination fails to anticipate or fairly suggest an optical system comprising a cemented lens having a diffractive optical surface formed at a cementing interface between two constituent lens elements; wherein the two constituent lens elements have at their respective interfaces with air a radius of curvature different from a radius of curvature that they have at the cementing interface (Claim 1, Lines 5-7); and wherein the cemented lens element satisfies the following conditional relationship  $0.1 \leq (\Phi_p/v_d)/(\Phi_{DOE}/v_{DOE}) \leq 35$  (Claim 1, Line 9), taken together in combination with the totality of other particular features/limitations recited therein.

Independent Claim 5 the prior art taken either singly or in combination fails to anticipate or fairly suggest an optical system comprising a cemented lens having a diffractive optical surface formed at a cementing interface between two constituent lens elements; wherein the two constituent lens elements have at their respective interfaces with air a radius of curvature different from a radius of curvature that they have at the cementing interface (Claim 5, Lines 5-7); and

wherein the cemented lens element satisfies the following conditional relationship  $0.04 \leq (t_p/t_g) \leq 5$  (Claim 5, Line 9), taken together in combination with the totality of other particular features/limitations recited therein.

Independent Claim 8 the prior art taken either singly or in combination fails to anticipate or fairly suggest an optical system comprising, *inter alia*, a cemented lens having a diffractive optical surface formed at a cementing interface between two constituent lens elements; wherein the two constituent lens elements have at their respective interfaces with air a radius of curvature different from a radius of curvature that they have at the cementing interface (Claim 8, Lines 6-8); and wherein the cemented lens element satisfies the following conditional relationship  $0.1 \leq (\Phi_p/v_d)/(\Phi_{DOE}/v_{DOE}) \leq 35$  (Claim 8, Line 12), taken together in combination with the totality of other particular features/limitations recited therein.

Independent Claim 12 the prior art taken either singly or in combination fails to anticipate or fairly suggest an optical system comprising, *inter alia*, a cemented lens having a diffractive optical surface formed at a cementing interface between two constituent lens elements; wherein the two constituent lens elements have at their respective interfaces with air a radius of curvature different from a radius of curvature that they have at the cementing interface (Claim 12, Lines 7-9); and wherein the cemented lens element satisfies the following conditional relationship  $0.04 \leq (t_p/t_g) \leq 5$  (Claim 12, Line 13), taken together in combination with the totality of other particular features/limitations recited therein.

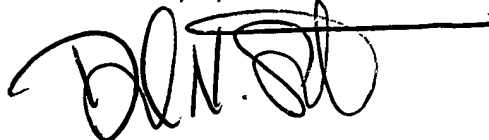
***Other Remarks/Information***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The Official FAX number for the United States Patent and Trademark Office is (571) 273-8300.

January 8, 2007

A handwritten signature in black ink, appearing to read 'D.N. Spector', with a long horizontal flourish extending to the right.

David N. Spector  
Primary Examiner  
Art Unit 2873